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Name of Person Making Transmission: Teri McDonald

Signature:



Teri McDonald 9/20/04

DOCUMENT(S) FAXED:

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Re Applic of	International Business Machines Corporation
Docket No.	FIS920030198US1
Serial No.	10/605,134
Filing Date	9/10/03
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

**PLEASE DELIVER TO:****EXAMINER: Fernando L. Toledo****ART UNIT: 2823****PHONE NO:****FAX NO: 703-872-9306**

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**INTERNATIONAL BUSINESS MACHINES  
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING SENT VIA Facsimile Transmission to:  
COMMISSIONER OF PATENTS AND TRADEMARKS, Alexandria VA 22313, on September 20, 2004 by: Teri  
McDonald

Signature & Date

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	
In re application of: Huajie Chen, et al.	Date: September 20, 2004
Serial Number: 10/605,134	Examiner: Fernando L. Toledo
Filed: 9/10/03	Group Art Unit: 2823
Title: Structure and Method of Making Strained Channel CMOS Transistors Having Lattice-Mismatched Epitaxial Extension and Source and Drain Regions	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

### **RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated September 9, 2004.

The Examiner in the Office Action has required restriction under 35 U.S.C. 121,  
stating that the claims belong to:

**GROUP I, Claims 1-12, drawn to a device, and**

**GROUP II, Claims 13-28, drawn to a method.**

Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-12, and withdraw from consideration the claims forming GROUP II, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Therefore, the invention of GROUP II, namely, Claims 13-28 can be withdrawn by the Examiner under 37 C.F.R. 1.142 b), as being drawn to a non-elected invention.

The election of claims is made without traverse.

Respectfully submitted,  
HUAJIE CHEN ET AL.

By:   
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